

Harry Kim
Mayor



Christopher J. Yuen
Director
Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • FAX (808) 961-8742

October 6, 2006

Melvin B. Hewett
Real Estate Broker-Land Consulting Services
PO Box 1238
Kamuela, HI 96743

Dear Mr. Hewett:

DETERMINATION OF PRE-EXISTING LOTS
TMK: 5-6-001:020

This is to acknowledge receipt of your letter of April 7, 2006, and documents regarding the subject matter. Specifically, your request is for the approval of nine (9) pre-existing lots.

Please be advised that we have reviewed the documents submitted, our department records, as well as those of the Real Property Tax Division, and determined that the subject property consist of one (1) separate legal lot of record:

Parcel 20 consisting of 615.588 acres.

The nine (9) pre-existing lots which you requested approval for, portions of:

- 1) Grant 2127
- 2) L.C. Aw. 8950-B
- 3) L.C. Aw. 11216:29
- 4) Grant 751
- 5) Grant 750
- 6) L.C. Aw. 11216:29
- 7) Grant 2361
- 8) Grant 2766
- 9) Grant 2848:1

Were all part of a Consolidation/Resubdivision of Parcel 20 and Parcel 75 (Kukuipahu Heiau Site) which was approved April 25, 1997 (SUB 6827). This action provided approximately seven (7) additional acres surrounding the Kukuipahu Heiau Site. Therefore, the nine (9) pre-existing lots are no longer recognized.

Should you not concur with the above finding, your recourse is as follows:

In accordance with a recent charter amendment and Ordinance No. 99-112, you may appeal the director's decision and request the following:

- a) Any person aggrieved by the decision of the director in the administration or application of this chapter, may, within thirty days after the date of the director's written decision, appeal the decision to the board of appeals.
- b) A person aggrieved by a decision of the director if:
 - 1) The person has interest in the subject matter of the decision that is so directly and immediately affected, that the person's interest is clearly distinguishable from that of the general public; and
 - 2) The person is or will adversely affected by the decision.
- c) An appeal shall be in writing, in the form prescribed by the board of appeals and shall specify the person's interest in the subject matter of the appeal and the grounds of the appeal. A filing of \$250 shall accompany any such appeal. The person appealing a decision of the director shall provide a copy of the appeal to the director and to the owners of the affected property and shall provide the board of appeals with the proof of service.
- d) The appellant, the owners of the affected property, and the director shall be parties to an appeal. Other persons may be admitted as parties to an appeal. Other persons may be admitted as parties to an appeal, as permitted by the board of appeals.

The board of appeals may affirm the decision of the director, or it may reverse or modify the decision, or it may reverse or modify the decision or remand the decision with appropriate instructions if based upon the preponderance of evidence the board finds that:

1. The director erred in its decision; or
2. The decision violated this chapter or other applicable law; or
3. The decision was arbitrary or capricious or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

Melvin B. Hewett
Real Estate Broker-Land Consulting Services
Page 3
October 6, 2006

In view of the above, we have enclosed COUNTY OF HAWAII BOARD OF APPEALS GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR.

Should you have any questions, please feel free to contact Ed Cheplic of this department.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

ETC:lnm

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Enc. - BOA General Petition for Appeal of Decisions by Planning Director

xc: Tax Maps and Records Supervisor I
Real Property Tax Division-Kona
Manager-DWS
Planning Department-Kona

SUB 6827